

# EXHIBIT A

NOTICE OF SUIT TO SHERIFF OF ALLEGHENY CO.

You are hereby notified that on 02/01/2022  
a COMPLAINT has been filed in this case  
and you are required to serve the same on or before the  
05/02/2022

Michael McGeever, Director  
Department of Court Records  
**HEARING INFORMATION**  
Hearing Date: **04/08/2022**

Hearing Time: **9:00**

Judge: **Arbitration Panel**

Address: **Court Room 2, 7th floor**

**City-County Building Pittsburgh, PA 15219**

**COMPLAINT IN CIVIL ACTION**

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

Plaintiff(s)

**Gavulich, Clayton G.**

Case Number:  
**AR-22-000357**

Type of pleading:  
**Complaint**

Filed on behalf of:  
**Gavulich G. Clayton**

**Frank D Eugene**  
(Name of filing party)

VS

Defendant(s)

**Jefferson Capital Systems LLC,**



Counsel of Record



Individual, If Pro Se

Name, Address and Telephone Number:

**Frank D Eugene**

**Law Offices of Eugene D. Frank**

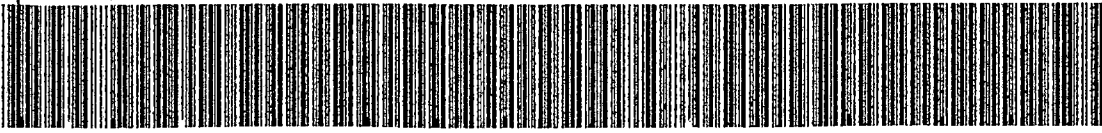
**3202 McKnight East Drive**

**Pittsburgh, PA, 15237**

**412 3664276**

**412 3664276**

**Attorney's State ID: 89862**



**Michael McGeever, Director, Department of Court Records**

**IN THE COURT OF COMMON PLEAS  
OF ALLEGHENY COUNTY, PENNSYLVANIA**

Clayton G. Gavulich,

NO: AR-22-

Plaintiff,

TYPE OF PLEADING:

**Complaint**

vs.

Jefferson Capital Systems, LLC,

Defendant.

FILED ON BEHALF OF:  
**Clayton G. Gavulich, Plaintiff**

COUNSEL OF RECORD:  
**Eugene D. Frank, Esquire**  
**PA ID # 89862**

**3202 McKnight East Drive**  
**Pittsburgh, PA 15237**  
**(412) 366-4276 (office)**  
**(412) 348-6399 (fax)**  
**[efrank@edf-law.com](mailto:efrank@edf-law.com)**

*Other Attorney On Signature Page*

**IN THE COURT OF COMMON PLEAS OF  
ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

Clayton G. Gavulich,  Plaintiff,  vs.  Jefferson Capital Systems, LLC,  Defendant.	Case No. AR-22-
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**NOTICE TO DEFEND**

**YOU HAVE BEEN SUED IN COURT.** If you wish to defend against the claims set forth in the following pages, you must take action within TWENTY (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objection to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer. If you cannot afford a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.

Lawyer Referral Service  
Allegheny County Bar Association  
11<sup>th</sup> Floor Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
Telephone: (412) 261-5555

**HEARING NOTICE**

**YOU HAVE BEEN SUED IN COURT.** The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in the Compulsory Arbitration Center. Report to the Arbitration Assembly Room, Courtroom Two, Seventh Floor, City-County Building, 414 Grant Street, Pittsburgh, Pennsylvania 15219 on \_\_\_\_\_ at 9:00 A.M. If you fail to file the response described in the Notice to Defend, a judgment for the amount claimed in the Complaint may be entered against you before the hearing.

**DUTY TO APPEAR AT ARBITRATION HEARING**

If one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.

**NOTICE:** You must respond to this complaint within twenty (20) days or a judgment for the amount claimed may be entered against you before the hearing.

If one or more of the parties is not present at the hearing, the matter may be heard immediately before a judge without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.

**IN THE COURT OF COMMON PLEAS OF  
ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

Clayton G. Gavulich,  Plaintiff,  vs.  Jefferson Capital Systems, LLC,  Defendant.	Case No. AR-22-
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**COMPLAINT**

**AND NOW**, comes the Plaintiff, Clayton G. Gavulich, by and through his undersigned counsel, and files this Complaint, and in support thereof avers as follows:

**Jurisdiction and Venue**

1. Jurisdiction of this Court *generally* arises out of, but not limited to, the Defendant's violation(s) of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (the "FDCPA"), which prohibits debt collectors from engaging in abusive, false, deceptive, misleading and/or unfair practices.

2. At all relevant times herein, Defendant, Jefferson Capital Systems, LLC (the "Defendant"), was engaged in the collection of delinquent consumer debts within the Commonwealth of Pennsylvania, including the County of Allegheny.

3. Venue is proper in Allegheny County, Pennsylvania pursuant to the Pennsylvania Rules of Civil Procedure.

**Parties**

4. At all times mentioned herein, Plaintiff, Clayton G. Gavulich (the “Plaintiff”), was a natural person, consumer, and citizen of the Commonwealth of Pennsylvania.

5. At all relevant times herein, Plaintiff was allegedly obligated to pay a defaulted consumer debt as represented by Defendant and/or its agents/attorneys and as set forth herein (the “Debt”).

6. Defendant is a limited liability company established in the State of Georgia with a business address located at 16 McLeland Road, St. Cloud, MN 56303.

7. Defendant conducts business and/or attempts to collect delinquent consumer debts throughout the Commonwealth of Pennsylvania, including the County of Allegheny.

8. Defendant’s principal purpose is the collection of delinquent debts.

9. Defendant purchases delinquent consumer debts with the sole purpose of attempting to collect on those debts by way of dunning collection letters sent to the consumers, collection telephone calls made to the consumers or third parties in an attempt to locate said consumers, filing collection lawsuits against consumers in various courts of law, and/or by reporting the delinquent debts to the credit bureaus.

10. Defendant does not issue credit and/or charge accounts or otherwise extend credit to consumers.

11. At all times mentioned herein, Defendant directed and/or authorized attorneys to act as its agents or legal representatives in attempts to collect the relevant consumer debts.

12. Defendant is a “debt collector” as defined in the FDCPA and, at all times relevant herein, acted by and/or through its owners, managers, officers, shareholders, authorized representatives, partners, employees, agents, affiants, attorneys, affiliates and/or workmen.

13. The attorneys assigned to collect the Debt were from the Law Offices of Hayt Hayt & Landau, LLC (“HHL”) and Defendant is vicariously liable for the actions taken by HHL.

14. Defendant (individually and/or collectively with its assigned attorneys) regularly engage in collecting delinquent consumer debts and regularly use the mails and/or the telephone in an attempt to collect, directly or indirectly, delinquent consumer debts allegedly owed or due or asserted to be owed or due another.

#### **Factual Allegations**

15. At all relevant times herein, the Debt was a consumer debt as defined in the FDCPA.

16. Specifically, the Debt was incurred based on purchases related to and/or used primarily for personal, family and/or household purposes, including, but not limited to, personal necessities and personal retail purchases.

17. No part of the Debt was related to business transactions.

18. On or about December 6, 2021, Defendant via its attorneys commenced legal action against Plaintiff in Magisterial District Court 53-3-04 at Case Number CV-0000215-2021 in an attempt to collect the Debt (the “Lawsuit”). All pleadings and/or other documents filed within the Lawsuit are incorporated herein by reference.

19. At all relevant times, Plaintiff is without any knowledge of Defendant’s ownership rights in the Debt and, therefore, disputes Defendant’s rights in the Debt.

20. The Lawsuit was filed in the wrong district court and County because Plaintiff did not reside in Lawrence County as of the Lawsuit's file date nor did Plaintiff enter into any written agreement creating the Debt in said County where the Lawsuit was filed.

**Causes of Action**  
**Count I**  
**Violations of the FDCPA**  
**15 U.S.C. § 1692, *et seq.***

21. Plaintiff incorporates by reference the above paragraphs of this Complaint as though fully set forth herein.

22. There is abundant evidence of the use of abusive, deceptive, and unfair collection practices by many debt collectors. Abusive debt collection practices contribute to the number of personal bankruptcies, marital instability and invasions of individual privacy.

23. The FDCPA was enacted, in part, due to existing laws and/or procedures being inadequate for redressing the types of injuries as set forth herein.

24. Defendant knew or should have known that its actions violated the FDCPA.

25. Defendant is subject to *strict liability* for the actions in attempting to collect the Debt as set forth herein.

26. Defendant could have taken steps necessary to bring its actions within FDCPA compliance, but neglected to do so and failed to adequately review its actions to ensure compliance with the law.

27. Defendant's conduct by filing the Lawsuit in the wrong judicial district violated the FDCPA at 15 U.S.C. § 1692i.

28. Plaintiff has experienced aggravation, anxiety, annoyance, embarrassment, fear, and/or inconvenience as a direct and proximate result of Defendant's actions.

29. As a result of Defendant's violation(s) of the FDCPA, Plaintiff is entitled to actual damages, statutory damages and reasonable attorneys' fees and costs.

**WHEREFORE**, Plaintiff respectfully demands that this Court enter a judgment against Defendants not in excess of the arbitration limits for the following:

- (a) Actual damages;
- (b) Statutory damages;
- (c) Attorneys' fees, litigation expenses and costs of suit;
- (d) Such other and further relief that this Court deems just and proper.

*Plaintiff, Clayton G. Gavulich, demands a trial by jury if removed or appealed as to all issues so triable.*

Respectfully submitted,

By: /s/ Eugene D. Frank  
Eugene D. Frank, Esquire  
PA ID No. 89862  
Law Offices of Eugene D. Frank, P.C.  
3202 McKnight East Drive  
Pittsburgh, PA 15237  
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(412) 366-4305 – fax  
[efrank@edf-law.com](mailto:efrank@edf-law.com)

By: /s/ Gregory T. Artim  
Gregory T. Artim, Esquire  
PA ID No. 80886  
Artim Law, LLC  
1751 Lincoln Highway  
North Versailles, PA 15137  
(412) 348-8600 – office  
(412) 345-8400 – fax  
[greg@gregartim.com](mailto:greg@gregartim.com)

**IN THE COURT OF COMMON PLEAS OF  
ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

Clayton G. Gavulich,  Plaintiff,  vs.  Jefferson Capital Systems, LLC,  Defendant.	Case No. AR-22-
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**VERIFICATION**

I, Clayton G. Gavulich, verify that the averments of fact contained in the foregoing *Complaint* are true and correct to the best of my knowledge and belief. I understand that these averments of fact are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsifications to authorities.

Dated: 02/01/2022

BY: /s/ Clayton G. Gavulich  
Clayton G. Gavulich  
**E-signed with Permission**

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AND POSTER LINE

**CERTIFIED MAIL**

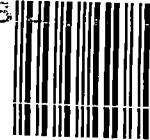
Law Offices of Eugene D. Frank, P.C.  
3202 McKnight East Drive  
Pittsburgh, PA 15237



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55113

U.S. POSTAGE PAID  
FCM LETTER  
PITTSBURGH, PA  
15237  
FEB 03, 22  
AMOUNT

**\$7.78**

R2305M145354-06

**RETURN RECEIPT  
REQUESTED**

Jefferson Capital Systems, LLC  
c/o Corporation Service Company  
2345 Rice Street, Suite 230  
Roseville, MN 55113

55113-378955

